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*Attorneys for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.*

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products
Liability Litigation,

No. 2:15-MD-02641-DGC

**THE DEFENDANTS' UNOPPOSED
MOTION FOR EXTENSION OF
TIME**

Pursuant to Case Management Order No. 42 (Doc. 164343), the Defendants file this motion seeking a 30-day extension of two deadlines set forth in that order. The Plaintiffs' Co-Lead Counsel have agreed to the relief sought in this motion.

I. TRACK 1 CASES

Under the provisions of CMO No. 42, approximately 4400 cases have been previously designated as resolved in principle and placed on Track 1. See Doc. Nos. 19445 and 19798. CMO No. 42 stated that any Track 1 cases for which a stipulated dismissal has not been filed would be recommended to the JPML for remand or would be transferred to the appropriate jurisdiction. That same order indicated that the Court would consider a 30-

1 day extension of that deadline “[u]pon a showing of very good cause.” See Doc. No. 16343
2 at 6-7.

3 The Defendants now request that the Court grant that extension and move the date
4 for the remand or transfer of the non-dismissed Track 1 cases to December 1, 2020.
5 Although more than 1,050 Track 1 cases have already been dismissed, the parties are still
6 in the process of finalizing the arrangements for the dismissal of the remaining cases on that
7 track. The delay has been occasioned by the fact that Mr. Dave Matthews and Mr. Tim
8 Goss, the two attorneys who organized the settlement on behalf of most of the plaintiffs
9 included in Track 1, have been involved in a trial against another manufacturer of IVC
10 filters for the last month. That trial did not conclude until Monday, October 28th, and Mr.
11 Matthews and Mr. Goss are now working to complete the resolution of the remaining Track
12 1 cases.

13 For that reason, the Defendants respectfully request that the parties be afforded until
14 December 1, 2019 to file those dismissals.

15 **II. TRACK II CASES**

16 Under the provisions of CMO No. 42, any Track 2 cases that have settled by
17 November 1, 2019 will be moved to Track 1. The order stated that all remaining Track 2
18 cases will be either remanded or transferred.

19 The report that will be filed on November 1 will identify approximately 100 cases
20 that can now be moved to Track 1. However, the Defendants believe that – if afforded an
21 additional 30 days (until December 1, 2019) – at least several hundred additional cases (and
22 perhaps more) may be resolved. That extra 30 days would permit the Defendants time to
23 finish their review of medical records for many plaintiffs and complete negotiations with
24 their attorneys. As previously noted, the Plaintiffs’ Co-Lead Counsel have agreed with this
25 request.

26 The Defendants recognize that there may be some plaintiffs who do not want to delay
27 the remand or transfer of their cases any longer. If so, the Defendants would suggest that
28 those plaintiffs be permitted to file a request with the Court by November 8, 2019.

1 Thereafter, by November 13, 2019, the Defendants could create a list of all of those cases,
2 organized in the fashion the Court has requested in the past, for the Court's use in remanding
3 or transferring those cases.

4 For those reasons, the Defendants request that the date for remanding or transferring
5 non-settled Track 2 cases be extended until December 1, 2019.

6
7 Respectfully submitted, this 1st day of November, 2019.

8 NELSON MULLINS RILEY &
9 SCARBOROUGH LLP

10 By: s/ Richard B. North
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25 Attorneys for C. R. Bard, Inc. and Bard
26 Peripheral Vascular, Inc.

27 **CERTIFICATE OF SERVICE**

28 I hereby certify that on November 1, 2019, the foregoing was electronically filed
with the Clerk of Court using the CM/ECF system which will automatically send email
notification of such filing to all attorneys of record.

/s/ Richard B. North

